

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

BENJAMIN B. LITTLES,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. CIV-11-1217-HE
	)	
TOM GOFORTH, MD FTC Oklahoma, and	)	
JOHN DOE, PA/Pharmacist,	)	
	)	
Defendants.	)	

**ORDER**


Plaintiff Benjamin Littles filed this civil rights complaint under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), alleging violations of his federal constitutional rights. Consistent with 28 U.S.C. § 636(b)(1), the matter was referred for initial proceedings before Magistrate Judge Valerie Couch. Judge Couch recommended the complaint be dismissed for failure to state a claim and that the dismissal count as a “strike” under 28 U.S.C. § 1915(g) after plaintiff has exhausted or waived his appeals. Report and Recommendation [Doc. #40]. Objections to Judge Couch’s Report and Recommendation were due by January 4, 2012.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Accordingly, the court **ADOPTS** Magistrate Judge Couch’s Report and

Recommendation [Doc. #40] and **DISMISSES** the claims against defendants Goforth and Doe under 28 U.S.C. § 1915(e)(2)(B)(ii). Additionally, this dismissal will count as a “strike” under § 1915(g) after plaintiff has exhausted or waived his appeals. A separate judgment will be entered contemporaneously with this order. Fed. R. Civ. P. 58(a).

**IT IS SO ORDERED.**

Dated this 20th day of January, 2012.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE